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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,671	09/21/2001	Yuji Tamura	F-7167	5598

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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168

EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,671

Applicant(s)

TAMURA ET AL.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- token locker (225e) is not shown figure 4 as described on page 10
- discharging pad (225) is not shown in figure 4 as described on page 11.
- intermediate guiding portion (27) is not shown in figure 4 as described on page 11
- discharge maneuvering device (23) is not shown in figure 4 as described on page 12.
- discharge device (22) is not shown in figure 4 as described on page 12.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because it exceeds 150 words as required by 37 C.F.R. § 1.72(b). Correction is required. See MPEP § 608.01(b).

3. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Objections

4. Claims 1 and 8 are objected to because of the following informalities: correction is required.

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5. In claim 1, line 13, the phrase, “the hit” should be “a hit” since “a hit of the game medium at the target” is not presented earlier in the claim.

6. In claim 8, lines 7 and 8, the language, “the shooting unit discharges the game medium in an angle direction which is inclined upward than horizontal direction” should be amended to language which is clear and precise.

Correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. In claim 1, lines 11-12, the limitation, “jackpot setting means for setting a jackpot value on one of the display units selectively changed in time direction,” is unclear. The examiner is unable to ascertain the full scope of the limitation because it is unclear what “selectively changed in time direction” means.

Claims 2-8 inherit the deficiencies of claim 1 by dependency.

10. In claim 1, lines 13-14, the limitation, “hit detecting means for detecting the hit of the game medium at the target,” is unclear. The examiner is unable to determine whether applicant is referring to the “target unit” or “one of the plurality of targets on the target unit”.

Claims 2-8 inherit the deficiencies of claim 1 by dependency.

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11. Claim 4 recites the limitation "the special high score" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 7 recites the limitation "the special high score" in line 4. There is insufficient antecedent basis for this limitation in the claim.

13. In claim 7, line 5, the phrase, "the detecting means." is unclear. The examiner is unable to determine whether applicant is referring to "detecting means for detecting the aiming direction of the shooting unit" or "detecting means for detecting a game medium has hit one of a plurality of targets on the target unit."

14. In claim 9, lines 16 and 17, the limitation, "jackpot setting means for setting a jackpot value on one of the display units selectively changed in time direction," is unclear. The examiner is unable to ascertain the full scope of the limitation because it is unclear what "selectively changed in time direction" means.

15. Claim 9 recites the limitation "the special high score" in lines 23 and 24. There is insufficient antecedent basis for this limitation in the claim.

Claims 10 and 11 inherit the deficiencies of claim 9 by dependency.

16. In claim 9, lines 18-19, the limitation, "hit detecting means for detecting the hit of the game medium at the target," is unclear. The examiner is unable to determine whether applicant is referring to the "target unit" or "one of the plurality of targets on the target unit".

Claims 10 and 11 inherit the deficiencies of claim 9 by dependency.

17. In claim 11, lines 3-6, the limitation, "the jackpot setting means newly sets the special high score at any one of the targets of the same target unit other than the target where the special

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high score was previously set.” is unclear. Is applicant referring to one target unit on one player’s machine or any target unit on any one of the plurality of machines?

18. The examiner has noted numerous deficiencies with the claims above, applicant should review the entire specification, including the claims, and submit corrections for all deficiencies, including those noted above. Correction is required.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 1-6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faith (U.S. 5,445,138) in view of Kelly et al. (U.S. 5,667,217).

Faith discloses a game unit having a skill game wherein a player earns points by shooting a gun which shoots or tosses coins at targets combined with a prize dispenser which dispenses prizes based on the score a player achieves during the game. Faith additionally discloses:

Regarding claims 1 and 9:

- a target unit including a plurality of targets (fig. 2, and column 3, lines 1-27);
- a shooting unit (32) provided at a position facing the target unit and operable by a game player to cause a game medium (coin) to fly while selectively aiming at any one of the plurality of targets (abstract, figs. 1, 7, and 10, and column 2, lines 33-38);

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- display units (126) and (80) provided in correspondence with the respective targets for displaying values corresponding to the targets by codes (fig. 2, column 3, lines 8-11, and column 3, lines 51-52);
- value setting means for setting the values to be displayed on the display units (column 5, lines 46-50);
- hit detecting means (86) for detecting the hit of the game medium (coin) at the target (figs. 2 and 5, and column 6, line 65-column 7, line 24);
- a dispenser (40) for paying out a material corresponding to the value displayed on the display unit corresponding to the hit target when the game medium hits one target (abstract, figs. 12, 13, 14, column 1, lines 35-45, column 2, lines 39-46, and column 8, lines 13-37).

Regarding claim 8:

- the plurality of targets (70) (72) (76) are arrayed in vertical directions (fig. 2);
- game medium receptacles (gun chassis 162) having openings of the same shapes (aperture-rectangular shape) as the targets (bowls) (70) (72) (76) (figs. 5 and 7);
- the shooting unit (32) discharges the game medium in an angle direction which is inclined upward than horizontal direction (figs. 1 and 3); The shooting unit would have to be aimed upwards in order to hit any of the targets.
- the value setting means sets a high probability of setting relatively higher scores for upper targets (fig. 3 and column 3, lines 1-28). When a player hits target (70) the coin falls through each of the bowls (70)(72)(74) and (76) and the player is

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given additional (cumulative) points associated with each of these bowls.

Therefore, the uppermost target earns a player the most points.

Faith seems to lack explicitly disclosing:

Regarding claims 1 and 9:

- jackpot setting means for setting a jackpot value on one of the display units selectively changed in time direction.

Regarding claim 2:

- presentation display units provided in correspondence with the display units for making a presentation display of a flame, and a presentation display control means for causing each presentation display unit to make the presentation display of the flame and causing it to stop the presentation display when the game medium hits the target corresponding to this presentation display unit.

Regarding claim 3:

- each display unit displays a score setting means and displays the jackpot value set by the jackpot setting means by a code representing a special high score.

Regarding claim 4:

- a jackpot score display unit for displaying the special high score as the jackpot value.

Regarding claim 5:

- the value setting means randomly displays a plurality of scores prepared in advance on the display units corresponding to the respective targets.

Regarding claim 6:

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- the value setting means randomly displays display times of the scores to be displayed on the display units corresponding to the respective targets.

Regarding claim 9:

- the jackpot setting means sets the special high score at any one of all targets of the plurality of shooting game machines.

Regarding claim 10:

- the shooting game system comprises two shooting game machines.

Regarding claim 11:

- when the target where the special high score is set is hit on a specific condition, the jackpot setting means newly sets the special high score at any one of the targets of the same target unit other than the target where the special high score was previously set.

Kelly et al. teaches of an arcade game that has a shooting device (coin rolling device) that directs coins towards various targets wherein a players earn points for targets hit and is dispensed tickets which can be redeemed for various prizes. Kelly et al., like Faith, teach of gaming devices that utilize coins to hit targets and are therefore analogous art.

However, Kelly et al. teaches of rolling coins towards targets, whereas, Faith teaches of flying coins towards targets.

Kelly et al. teaches:

Regarding claims 1 and 9:

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- jackpot setting means for setting a jackpot value on one of the display units selectively changed in time direction (abstract, fig. 2, column 4, lines 63-65, and column 2, lines 12-19).

Regarding claim 2:

- presentation display units provided in correspondence with the display units for making a presentation display of a flame, and a presentation display control means for causing each presentation display unit to make the presentation display of the flame and causing it to stop the presentation display when the game medium hits the target corresponding to this presentation display unit (column 2, lines 15-18, column 5, lines 33-46, and column 10, lines 26-44). Like applicant's claimed "flame", Kelly et. al. uses indicators to "highlight" special targets so that a player knows what targets to hit and to get feedback on what targets have already been hit.

Regarding claim 3:

- each display unit displays a score setting means and displays the jackpot value set by the jackpot setting means by a code representing a special high score (abstract, fig. 2, column 4, lines 63-65, and column 2, lines 12-19).

Regarding claim 4:

- a jackpot score display unit for displaying the special high score as the jackpot value (abstract, fig. 2, column 4, lines 63-65, and column 2, lines 12-19).

Regarding claim 5:

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- the value setting means randomly displays a plurality of scores prepared in advance on the display units corresponding to the respective targets (column 2, lines 15-18, column 4, lines 63-66, column 5, lines 33-46, column 10, lines 26-55, and column 12, lines 1-6).

Regarding claim 6:

- the value setting means randomly displays display times of the scores to be displayed on the display units corresponding to the respective targets (column 2, lines 15-18, column 4, lines 63-66, column 5, lines 33-46, column 10, lines 26-55, and column 12, lines 1-6).

Regarding claim 9:

- the jackpot setting means sets the special high score at any one of all targets of the plurality of shooting game machines (column 5, lines 5-31).

Regarding claim 10:

- the shooting game system comprises two shooting game machines (column 5, lines 5-31 and column 4, lines 13-21).

Regarding claim 11:

- when the target where the special high score is set is hit on a specific condition, the jackpot setting means newly sets the special high score at any one of the targets of the same target unit other than the target where the special high score was previously set (column 5, lines 5-46).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the features of Kelly et al. in Faith. One would be

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motivated to do so because these features add complexity and interest to an otherwise simple coin-target game. Furthermore, the features add to overall player involvement, as well as, increased revenues which are produced by the game.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Malavazos et al. '566, Berge '464, '880, Shoemaker, Jr. '519, '115, and Peretz '435 disclose coin or token released gaming machines.

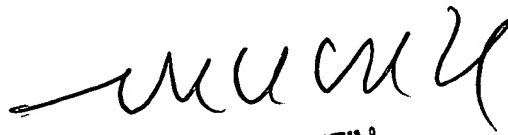
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael O'Neill, Acting SPE can be reached on (703) 308-1148. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ

sej
July 23, 2003


MICHAEL O'NEILL
PRIMARY EXAMINER